

Application No. 10/811,936
Amendment dated January 12, 2007
Reply to Office Action of October 12, 2006

Docket No.: 0649-1082PUS1

Amendments to the Drawings

In each of Figs. 5a, 5b, 6, and 7, a legend --Prior Art-- has been provided.

Attachment: Replacement sheets

REMARKS

Claims 1-16 are pending in the present application. Claims 1-5 have been withdrawn from consideration. New claims 14-16 have been added.

Drawings

The Examiner states that Figs. 5a, 5b, 6, and 7 should be designated by a legend such as -
-Prior Art-- because only that which is old is illustrated.

Figs. 5a, 5b, 6, and 7 have bee provided with a legend --Prior Art-- as required by the Examiner.

The Examiner is respectfully requested to approve and enter these drawing changes.

Claim Rejections - 35 U.S.C. § 102

(a) Claims 6-8 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Tanase et al. (US 2002/0175504A1). This rejection is respectfully traversed.

In the Office Action, the Examiner alleges that Tanase discloses “a mounting bracket (3) attached to the roof side rail that supports a seat belt anchor (54). Applicants respectfully disagree.

Tanase discloses, in Fig. 11, a body 1 that includes an outer panel 2 and an inner panel 3. Tanase also discloses an upper side upper panel 10 (part of a rear pillar garnish 9) attached to the inner panel 3, and an anchor 54 attached to the inner panel 3. Therefore, the inner panel 3 corresponds to the “roof side rail” of the claimed invention of the present application, and more specifically to the roof side rail inner 7 shown in Fig. 7 of the present application.

Therefore, in Tanase, the inner panel 3 is part of the body 1 and is not “adapted to be attached to the roof side rail,” as recited in claim 6. Accordingly, Tanase fails to disclose or suggest the “mounting bracket,” as recited in claim 6.

Claims 7 and 8, dependent on claim 6, are allowable at least for their dependency on claim 6.

Claims 7 and 8, dependent on claim 6, are allowable at least for their dependency on claim 6.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

(b) Claims 6 and 8 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Amamori et al. (US 2002/0125696A1). This rejection is respectfully traversed.

Amamori discloses, in Fig. 3, a roof side rail 4 having a roof side rail member 32 (corresponds to the “roof side rail” of the present invention), a belt anchor stalk 18 attached to the roof side rail member 32, and an air bag 20 attached to the roof side rail inner via a bracket 31 and a mounting member 30 (see also Fig. 2).

Therefore, in Amamori, even assuming that the belt anchor stalk 18 corresponds to the “mounting bracket” of the present invention, as alleged by the Examiner in the Office Action, the “mounting bracket” and an element that corresponds to the “seat belt anchor” of the present invention are integrally formed. Therefore, in Amamori, the element that corresponds to the “seat belt anchor” is not “provided separately from the mounting bracket,” as required in claim 6.

Claim 8, dependent on claim 6, is allowable at least for its dependency on claim 6.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Allowable Subject Matter

Applicants appreciate the Examiner's indication that claims 9-13 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Rather than amending claim 9 to include all of the limitations of claims 6 and 7, this claim has been amended to include all of the limitations of claim 6.

Applicants believe that claim 9 is allowable at least because none of the prior art of record discloses or suggests that "the mounting bracket and the seat belt anchor are attached to the roof side rail by a common fastening member," as recited in claim 9.

Claim 10 has been amended to include all of the limitations of claim 6 and 7 to place it in condition for allowance.

Claim 11 has been amended to include all of the limitations of claim 6 to place it in condition for allowance.

Claims 12 and 13, dependent on claim 11, are allowable at least for their dependency on claim 11.

New Claims

Claims 14-17 have been added. These claims are generic to the embodiments shown in Figs. 1-4 of the present application.

Independent claim 14 is allowable at least because none of the prior art of record discloses or suggests "a mounting bracket adapted to be attached to the roof side rail and for supporting a seatbelt anchor and the curtain air bag, the mounting bracket adapted to extend from a position higher than the curtain air bag to a position lower than the curtain air bag when attached to the roof side rail."

As stated in the foregoing with regard to the Tanase reference, the inner panel 3 is part of the body 1 (e.g., part of the “roof side rail” of the claimed invention) of the vehicle and is not a bracket “adapted to be attached to the roof side rail.”

Claims 15 and 16, dependent on claim 14, are allowable at least for their dependency on claim 14.

A favorable determination by the Examiner and allowance of these claims is earnestly solicited.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and objections, and allowance of the pending claims are earnestly solicited.

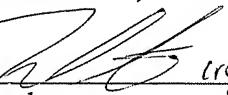
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Maki Hatsumi, Reg. No. 40,417 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated:

Respectfully submitted,

for

By  (reg. # 40,4171)

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Attachments